

(2021) 02 CAT CK 0016

In the Central Administrative Tribunal

Case No : Original Application No. 217 Of 2021

Uma Shankar Kansotia

APPELLANT

Vs

Kendriya Vidyalaya Sangathan

RESPONDENT

Date of Decision : 01-02-2021

Acts Referred:

Citation : (2021) 02 CAT CK 0016

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Kavita Bhati, R. Gowrishankar

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant was appointed as Trained Graduate Teacher (TGT) in the Kendriya Vidyalaya Sangathan (KVS) in the year 2008. He worked at

various places and was transferred to Jaipur on 06.09.2018. While remaining at that place, the applicant earned promotion to the next higher post

through the process of Limited Departmental Competitive Examination (LDCE) and was posted to Kendriya Vidyalaya No. 2 at Baroda. The

applicant submitted a representation to the respondent with a request to transfer him to Jaipur. He has pleaded that his mother is diagnosed as cancer

patient and his presence is necessary to assist her while undergoing treatment at Jaipur.

2. This OA is filed with a prayer to direct the respondent to consider the case of the applicant to transfer the applicant to the Institute at Jaipur.

3. We heard Ms. Kavita Bhati, learned counsel for applicant and Mr. R. Gowrishankar for Mr. S. Rajappa, learned counsel for respondent at the

admission stage itself.

4. The applicant intends to get transferred to an Institution at Jaipur. In fact he had worked at that station as recently as in September, 2018. His

transfer to Baroda became necessary on account of the fact that he took part in the LDCE and got promoted. It was purely his voluntary act that

made him to be transferred to Baroda. If remaining of the applicant at Jaipur was so inevitable, he could have even waited for his routine promotion.

On the one hand he wanted to improve his career out of turn by participating in the LDCE and on the other hand, he wanted to remain at the same

place.

5. The administration has in fact made every effort to retain the teachers at the same place even after promotion. However, non availability of

vacancy was an issue. Though, an exercise is said to have been conducted in the year 2019 in this behalf, the applicant could not be accommodated.

The exercise of this nature cannot be done in isolation. It is only when a combined exercise is taken up, the case of the applicant can also be

considered.

6. We, therefore, dispose of the OA directing that the respondents shall consider the case of the applicant for transfer to Jaipur immediately in the

next exercise which they undertake. There shall be no order as to costs.